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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,574	12/03/2003	Gudmundur Fertram Sigurjonsson	SIGU3011/JEK/JJC	5131

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EXAMINER	
HAND, MELANIE JO	

ART UNIT	PAPER NUMBER
3761	

DATE MAILED: 10/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

NT

Office Action Summary	Application No.	Applicant(s)	
	10/725,574	SIGURJONSSON ET AL.	
	Examiner	Art Unit	
	Melanie J. Hand	3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 August 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6,8-12,14-20,22 and 23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6,8-12,14-20,22,23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 3, 2006 has been entered.

Response to Arguments

Applicant's arguments, see Remarks, filed August 3, 2006, with respect to the rejection(s) of claim(s) 1-4, 6, 8-12, 14-20, 22 and 23 under 35 U.S.C. 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art references.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4, 6, 8-12, 14-19, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Addison et al (U.S. Patent No. 6,566,577) in view of Hara et al (JP 05069512).

With respect to **Claim 1:** Addison teaches a wound dressing 1 having opposed bodyside and backside surfaces, wherein the dressing comprises an absorbent core 9 defining opposed proximal and distal surfaces wherein the distal surface includes a central portion and a border portion, and a liquid impervious, vapor pervious backing layer 6 defining opposed proximal and distal surfaces. The proximal surface of the backing layer extends over the distal surface of the absorbent core (Fig. 4) and defines a border portion extending beyond and surrounding peripheral edges of the absorbent core. The distal surface of backing layer 6 defines the backside surface of the dressing 1. Addison teaches an adhesive layer 10 secured to the proximal surface of the border portion of the backing layer 6 wherein the adhesive layer defines a portion of the bodyside surface of the wound dressing and surrounds the peripheral edges of the core. ('577, Col. 6, lines 44-49)

Addison teaches that the adhesive that defines the adhesive layer is a pressure-sensitive adhesive ('577, col. 4, lines 3-8) and therefore does not teach a hydrophobic gel. Hara teaches a silicone composite body comprised of a base layer comprised of hydrophobic skin-adherent silicone gel and a surface layer made of silicone resin. Hara teaches that the silicone gel hardens into an elastomeric material ('512, Abstract), thereby providing improved securement of the backing layer to a user's skin, therefore it would be obvious to one of ordinary skill in the art to substitute the skin adherent silicone gel taught by Hara for the pressure-sensitive adhesive taught by Addison.

With respect to **Claims 2,14:** As can be seen in Fig. 1 taught by Addison, the border portion of backing layer 6 is substantially parallel with the proximal surface of the core 9.

With respect to **Claim 3:** The backing layer extends along the peripheral edges of the absorbent core.

With respect to **Claims 4,15:** As can be seen in Fig. 1 taught by Addison, the border portion of the backing layer includes at least two opposed elongate sections, each section extending from a corresponding side of the core 9.

With respect to **Claim 6:** Hara teaches silicone gel, which is biocompatible and therefore capable of adhering to a user's skin.

With respect to **Claims 8,18:** The first adhesive layer taught by the combined teaching of Addison and Hara is sufficiently porous so as not to occlude moisture transmission through the backing layer ('577, Col. 4, lines 3-7).

With respect to **Claim 9:** Addison teaches a film that envelops absorbent core 9 and defines a second-skin adherent facing layer secured to the proximal surface of the absorbent core. Therefore the film forms a portion of the bodyside surface of the dressing. The film is a mesh film and therefore has a plurality of apertures arranged in a grid-like pattern. The periphery of the portion of the film disposed over the body-facing surface of the core is contiguous with a periphery of the first facing layer. ('577, Col. 6, lines 55-62)

With respect to **Claims 10,19:** The first facing layer is an adhesive composition whereas the second facing layer merely contacts the wound surface, therefore the first facing layer has greater skin adherence properties than the second layer.

With respect to **Claim 11:** There is a longitudinal overlap formed when the mesh film is wrapped around the core. The film is bonded along the overlap, leaving the overlap portion free to be folded upward to form a compliant element that is detached from the distal surface of the absorbent core and that extends over an intermediate portion of the core between the central and border portions of the backing layer. ('577, Col. 3, lines 23-33)

With respect to **Claims 12,22,23:** Please see the rejection of claim 1 in addition to the following: Addison teaches a film that envelops absorbent core 9 and defines a second-skin adherent facing layer secured to the proximal surface of the absorbent core. Therefore the film forms a portion of the bodyside surface of the dressing. The film is a mesh film and therefore has a plurality of apertures arranged in a grid-like pattern. The periphery of the portion of the film disposed over the body-facing surface of the core is contiguous with a periphery of the first facing layer.

With respect to **Claim 16:** Addison teaches that the first adhesive layer is a pressure-sensitive adhesive.

With respect to **Claim 17:** the first adhesive layer taught by Addison extends along the entire proximal surface of the backing layer.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Addison et al ('577) in view of Hara et al ('512) as applied to claims 1-4, 6, 8-12, 14-19, 22 and 23 above, and further in view of Samuelsen (U.S. Patent No. 4,867,748).

With respect to **Claim 20:** Addison does not teach that foam layer 11 is beveled. Samuelsen teaches a wound dressing wherein an absorbent layer is beveled downwardly and inwardly towards a central axis from a distal surface with respect to a backing layer to a proximal surface. Samuelsen teaches that beveling the absorbent allows the thinner portion of said absorbent in the beveled region to stop the flow of adhesive plasticized due to heating from contact with the skin from seeping out from the edge of the cover layer and damaging bed linens or other fabrics and thus eliminating the need for the placement of tape around the periphery of the bandage, ('748, Col. 2, lines 40-50), therefore it would be obvious to one of ordinary skill in the art to bevel the foam layer 11 of the dressing taught by the combined teaching of Addison and Hara in the manner taught by Samuelsen.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie J. Hand whose telephone number is 571-272-6464. The examiner can normally be reached on Mon-Thurs 8:00-5:30, alternate Fridays 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Melanie J Hand
Examiner
Art Unit 3761

MJH
October 11, 2006

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER